

BEFORE THE
FEDERAL COMMUNICATIONS COMMISSION
WASHINGTON, D.C. 20554

In the Matter of]	MM Docket No. 99-25
Creation of A Low Power Radio Service]	MB Docket No. 07-172
Amendment of Service and Eligibility Rules for]	RM-11338
FM Broadcast Translator Stations]	

Comments in Third Further Notice of Proposed Rule Making

Jerry Isenhardt ("Isenhardt") does herein submit comments in the above referenced proceeding. Mr. Isenhardt is an owner of several FM translator stations in North Central Washington State and is an applicant for several translators submitted in the 2003 FM translator filing window.

Isenhardt submits comments in support of the proposal of the Commission to adopt a market-specific, spectrum availability-based translator application dismissal policy which would faithfully implement Section 5. Isenhardt believes that the Commission has reached a reasonable compromise to allow processing of the 2003 applications for FM translators and would not impose an unreasonable limit of applications for rural markets. Isenhardt supports the Commission's idea of adopting LPFM channel floors and concludes that the methodology that the Commission has suggested is workable and accommodates both the interest of FM translators and LPFM stations. Isenhardt supports the idea that the Commission should process all pending applications for new translators in markets in which the number of available LPFM channels meets or exceeds the applicable LPFM channel floor as soon as possible. Isenhardt does not support any proposal which would involve dismissal of the pending translator applications and the opening of a new window after the LPFM issue has been resolved. Isenhardt also does not support undue restriction on the translator settlement process in such as restricting applicants from amending application to specify adjacent channels and/or different transmitter locations. Isenhardt believes that in markets where it can be shown that the proposed LPFM channel floor can still be met, that the Commission should allow such amendments to avoid conflicts.

Isenhardt supports the idea of opening a LPFM-only window ideally by the end of the summer of 2012. Isenhardt further supports the idea of opening a translator-only window following substantial completion of the LPFM application processing. Isenhardt does not favor any undue limitations in the amount of applications pending to prevent trafficking in translator station construction permits and licenses and believes that there are other methods to prevent or discourage trafficking that may entail translator licensing rule changes. Should the Commission decide to adopt an application cap, Isenhardt would prefer a cap of 50 to 75 applications overall to remain pending. It would be unreasonable to limit the applications pending for a market to one and if a market limitation should be adopted then perhaps a five to ten application limitation could then be imposed. Isenhardt is in favor of allowing the rebroadcast of AM stations on FM translator stations that are granted from the 2003 window and believes that permitting such rebroadcast would further enhance and benefit AM stations that have not yet been able to rebroadcast on an FM translator due to the availability of currently licensed FM translators. Isenhardt is aware of incidences where AM stations and especially AM daytime only stations which are unable to take advantage of this due to no FM translator being licensed and available within the market, further the Commission is urged not to put any undue limitation on AM station rebroadcasting on FM translators which may become available in future translator windows.

Although not considered in this proceeding, Isenhardt herein respectfully request the Commission to consider the idea of permitting FM translator stations and LPFM stations to elect how they chose to operate, much like how TV translators and LPTV stations are permitted. For example a licensee can elect by filing a form to operate as a FM translator station or as an LPFM station. The Commission has resisted the idea of permitting FM translator stations to originate programming. The Commission has noted in paragraph 15 of this proceeding that they seek comment on whether and how to compare the two services in assessing local community needs. Significant differences exist in translator and LPFM eligibility, licensing and service rules. Translators may not, except in certain narrow circumstances, originate programming. The Commission further notes that Section 5 (3) of its rules requires that translator and LPFM station" remain equal in status and secondary to existing and modified full-service FM stations. If such services are equal in status, then the Commission should permit some flexibility in their operations as one or the other. By allowing FM translator stations and LPFM stations to elect how they operate would promote the goals of the Commission and that of the Local Community Radio Act of 2010. FM translators who elect to operate as an LPFM station should meet the operating requirements of an LPFM station and the limitations imposed on them. Licensees of FM translators could also decide to sell to an entity that would operate as an LPFM station or perhaps lease the station to such entity.

Operators of LPFM stations who elect to operate as an FM translator station would most likely decide that it would be put to a better use by operating as such due to funding or operational limitations. The adoption of such an election would address the needs and concerns of both FM translator operators and LPFM operators and allow for greater opportunity in larger markets where there are FM translator stations which may preclude the availability for LPFM stations to operate as such. Most of the FM translators, licenses and applications were in existence or filed prior to the adoption of the LPFM service. This would present a marketplace approach and would resolve a lot of the issues regarding balancing the needs of FM translator stations and LPFM stations.

Respectfully Submitted,

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